

United States Court of Appeals
for the Fifth Circuit

United States Courts Southern
District of Texas
FILED

11/9/2022

Nathan Ochsner, Clerk of Court

No. 22-40031

United States Court of Appeals
Fifth Circuit

FILED

October 17, 2022

Lyle W. Cayce
Clerk

SPRING BRANCH WILDLIFE PRESERVE; HOUSTON LAND ;
CATTLE COMPANY, L.C.,

Plaintiffs—Appellants,

versus

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY;
MICHAEL S. REGAN, IN HIS OFFICIAL CAPACITY AS
ADMINISTRATOR OF THE EPA; UNITED STATES ARMY CORPS OF
ENGINEERS; MICHAEL L. CONNOR, IN HIS OFFICIAL CAPACITY
AS ASSISTANT SECRETARY FOR THE CORPS' CIVIL WORKS
PROGRAM,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:20-CV-225

Before JONES, SOUTHWICK, and Ho, *Circuit Judges.*

PER CURIAM:*

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

Plaintiffs Spring Branch Wildlife Preserve and Houston Land & Cattle Company brought suit seeking declaratory judgments regarding the applicability of the Clean Water Act to their respective properties. The district court dismissed Plaintiffs' claims for lack of subject matter jurisdiction because they did not challenge any final agency actions reviewable under the Administrative Procedures Act. During oral argument, the EPA acknowledged that Plaintiffs could request an approved jurisdictional determination, which would be judicially reviewable. However, Plaintiffs have not sought any approved jurisdictional determinations. The Court has carefully considered this appeal in light of the briefs, oral arguments, and the pertinent portions of the record. Having found no reversible error, we AFFIRM.